

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTIAN NLANDU MBENGO,	:	
	:	
Petitioner	:	CIVIL ACTION NO. 1:06-2366
	:	
v.	:	(CONNER, D.J.)
	:	(MANNION, M.J.)
WARDEN MR. MILLWARD,	:	
Moshannon Valley Correction	:	
Center,	:	
	:	
Respondent	:	

REPORT AND RECOMMENDATION

Before the court is the relator's petition for writ of habeas corpus. The petition was originally filed on September 13, 2006, in the U.S. District Court for the Western District of Pennsylvania. The U.S. District Court for the Western District of Pennsylvania transferred the case to this court on December 7, 2006, because it found that jurisdiction properly lay here. The petition was filed in this court on December 11, 2006, and the court issued a show cause order on January 16, 2007.

The relator is a Federal prisoner in the Moshannon Valley Correctional Institution, which is outside Philipsburg, Pennsylvania. The prison's mailing address is Philipsburg. See "CI Moshannon Valley Contact Information," Federal Bureau of Prisons ("BOP") Website, at <http://www.bop.gov/DataSource/execute/dsFacilityAddressLoc?start=y&facilityCode=MVC> (last accessed Feb. 20, 2007). Philipsburg is within Centre County, Pennsylvania, which is located within the jurisdiction of the Middle District. See 28 U.S.C. § 118(b); Link to "Mapquest Maps and Directions," "CI Moshannon Valley Contact Information," BOP Website, at <http://www.bop.gov/DataSource/execute/dsFacilityAddressLoc?start=y&fac>

ilityCode=MVC (last accessed Feb. 20, 2007). Because a petition for habeas corpus challenging the execution of sentence must be filed within the district in which the relator is confined, 28 U.S.C. § 2241(a); Rumsfeld v. Padilla, 542 U.S. 426, 442-43 (2004), the Western District understandably believed that proper jurisdiction lay with this court.

However, the basis of the Western District's decision is mistaken. Although the Moshannon Valley prison's mailing address is Philipsburg, the institution itself is located west of the town, within Clearfield County, which is located within the jurisdiction of the Western District. See 28 U.S.C. § 118(c); Link to "Mapquest Maps and Directions," "CI Moshannon Valley Contact Information," B O P Website, at <http://www.bop.gov/DataSource/execute/dsFacilityAddressLoc?start=y&facilityCode=MVC> (last accessed Feb. 20, 2007). Accordingly, jurisdiction lies not with this court, but with the U.S. District Court for the Western District of Pennsylvania.

On the basis of the foregoing, **IT IS RECOMMENDED THAT** the relator's petition for writ of habeas corpus be transferred fback to the U.S. District Court for the Western District of Pennsylvania.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States Magistrate Judge

Date: February 23, 2007

O:\shared\REPORTS\2006 Reports\06-2366.01.wpd